

**BEFORE THE MINNESOTA  
BOARD OF VETERINARY MEDICINE**

In the Matter of  
Paul P. Masheimer, D.V.M.  
License No. 17700

**STIPULATION AND ORDER**

**STIPULATION**

Paul P. Masheimer, D.V.M. ("Licensee"), and the Minnesota Board of Veterinary Medicine Complaint Review Committee ("Committee") agree that the above-referenced matter may be resolved without trial of any issue or fact as follows:

**I.**

**JURISDICTION**

1. The Minnesota Board of Veterinary Medicine ("Board") is authorized pursuant to Minnesota Statutes chapter 156 to license and regulate veterinarians and to take disciplinary action as appropriate.

2. Licensee holds a license from the Board to practice veterinary medicine in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Order.

**II.**

**COMPLAINT REVIEW COMMITTEE**

The Committee that negotiated this Stipulation with Licensee is composed of John Lawrence, D.V.M., and Michelle Vaughn, D.V.M. Karen B. Andrews, Assistant Attorney General, represented the Committee at the conference on February 8, 2012. John King, D.V.M.,

Executive Director of the Board, was also present. Licensee is represented by Robert E. Kuderer, Esq. and Matthew M. Johnson, Esq., of Johnson & Condon, P.A.

### **III.**

#### **FACTS**

For purposes of the instant Board of Veterinary Medicine proceedings only and without prejudice to Licensee in a proceeding in any other forum, the Board may consider the following as true:

1. Licensee was licensed to practice veterinary medicine in the State of Minnesota on September 20, 2000.

2. On December 18, 2008, Licensee and the Committee entered into an Agreement for Corrective Action ("2008 ACA"), which required him to complete continuing education in obstetrics, dystocia, neonatal management, and medical record documentation.

3. On October 3, 2011, D.D. presented to Licensee's clinic to euthanize her 16-year-old male Chihuahua, Snickers. Licensee performed the procedure via an intracardiac injection of euthanasia solution, without sedating the dog. According to D.D., during the intracardiac injection, Snickers screamed, snarled, and went limp.

4. According to the American Veterinary Medical Association ("AVMA") Guidelines on Euthanasia, "Intracardiac injection of euthanasia solution is acceptable only when performed on heavily sedated, anesthetized, or comatose animals. It is not considered acceptable in awake animals, owing to the difficulty and unpredictability of performing the injection accurately."

5. As part of the Board's investigation, the Committee reviewed Licensee's medical records for D.D.'s dog. Licensee failed to submit all of the dog's records in response to the

Board's request. The Committee determined the records he did submit lacked detail and did not adequately document his physical examination findings. For example:

a. Licensee failed to document the body systems which were examined and evaluated.

b. Licensee failed to document the medications he prescribed and dispensed.

c. Licensee's documentation of his treatment plan was inadequate.

6. Licensee disputed he failed to document the body systems, failed to document the medications prescribed, or failed to fully document the treatment plan.

7. During the conference with the Committee, Licensee indicated he administers intracardiac injections, without sedation, in any euthanasia procedure where he feels at risk of being bitten by the animal. He admitted performing approximately 20 to 30 euthanasia procedures per month on feral cats in this manner.

#### **IV.**

#### **LAWS**

Licensee acknowledges that an administrative law judge or other finder of fact could conclude that the facts and conduct described in section III above constitute violations of Minnesota Statutes section 156.081, subdivision 2(11) and (12), and would be sufficient grounds for the remedy set forth below.

#### **V.**

#### **REMEDY**

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

*Stayed Suspension*

1. The Board hereby **SUSPENDS** Licensee's license to practice veterinary medicine. The suspension is **STAYED** so long as Licensee complies with the following requirements:

a. Euthanasia Procedures. Effective immediately, Licensee shall not perform euthanasia procedures in the State of Minnesota without properly sedating the animal in accordance with the most current American Veterinary Medical Association ("AVMA") Guidelines on Euthanasia. Additionally, Licensee shall perform these procedures only when in the presence of an observing veterinarian, pursuant to paragraph 1.b. below.

b. Monitoring of Euthanasia Practice by Observing Veterinarian. Within 10 days of this Stipulation and Order, all euthanasia procedures performed by Licensee shall be monitored by another veterinarian. The observing veterinarian must be approved by the Committee, for purposes of this Stipulation and Order, before the monitoring begins. In order for the Board to consider approving an observing veterinarian, Licensee shall submit, or cause to be submitted, the resume or curriculum vitae of the proposed observing veterinarian for pre-approval. Licensee is responsible for arranging and paying for any costs associated with the monitoring. The observing veterinarian must observe all euthanasia procedures performed by Licensee, whether performed in his clinic or elsewhere, and must provide the Board with monthly reports outlining the observing veterinarian's observations of Licensee's practice.

c. Compliance With Observing Veterinarian's Recommendations. Licensee shall comply with any recommendations made by the observing veterinarian. If further education is recommended, Licensee must submit written documentation, such as measurable learning objectives and qualifications of the instructor, in order to receive prior approval from

the Committee of classes that Licensee takes in fulfillment of this requirement. Licensee shall also submit verification of participation for any class taken in fulfillment of this requirement.

d. One-on-One Consultation. Within 30 days of the date of this Stipulation and Order, Licensee shall complete one-on-one consultation with a board-certified veterinarian who has expertise in euthanasia procedures. The consultant must be approved by the Committee, for purposes of this Stipulation and Order, before the consultation begins. In order for the Board to consider approving a consultant, Licensee shall submit, or cause to be submitted, the resume or curriculum vitae of the proposed consultant for pre-approval. Licensee is responsible for arranging and paying for the consultation. During the consultation, the consultant shall review the facts outlined in section III. above with Licensee, provide instruction to Licensee on appropriate euthanasia practices, and assist Licensee in developing and implementing updated and appropriate written euthanasia protocols for his practice, which shall be submitted to the Committee for approval pursuant to paragraph 1.f. below. The consultant shall also submit a report directly to the Board, addressing the following:

- 1) Verification the consultant has reviewed a copy of this Stipulation and Order;
- 2) A description of the content and method of instruction provided during the consultation;
- 3) A statement indicating what Licensee learned and achieved through the instruction and how the learning was evaluated;
- 4) Any recommendations for additional education directed at improving Licensee's euthanasia protocols;
- 5) Any recommendations for additional limitations or conditions on Licensee's practice; and

6) Any other information the consultant believes would assist the Board in its ultimate review of this matter.

e. Compliance With Consultant's Recommendations. Licensee shall promptly comply with any recommendations made by the consultant. If further education is recommended, Licensee must submit written documentation, such as measurable learning objectives and qualifications of the instructor, in order to receive prior approval from the Committee of classes that Licensee takes in fulfillment of this requirement. Licensee shall also submit verification of participation for any class taken in fulfillment of this requirement.

f. Written Euthanasia Protocols. Within ten days of completing the consultation, Licensee shall provide copies of his written euthanasia protocols, as required by paragraph 1.d. above, to the Committee for approval. Licensee shall promptly comply with any recommendations made by the Committee related to the protocols.

g. Continuing Education. Within 60 days of the date of this Stipulation and Order, Licensee shall submit to the Board evidence of successful completion of at least ten hours of continuing education on medical records. Licensee shall submit written documentation, such as measurable learning objectives and qualifications of the instructor, in order to receive pre-approval from the Committee of classes that Licensee takes in fulfillment of this condition. For purposes of this requirement, the Committee will approve the "*Online Veterinary Law and Ethics Course*" offered by James F. Wilson, D.V.M., J.D.

h. Continuing Education Audit. Within 60 days of the date of this Order, Licensee shall submit to the Committee the dates, number of hours, and titles of all continuing education courses taken by Licensee in the two-year period preceding his last license renewal.

i. Medical Records Inspection. At any time while this Order is in effect, and at the request of the Committee, Licensee shall permit his observing veterinarian to collect and

forward medical records to the Committee for review. These medical records will be forwarded to the Committee for evaluation to ensure that Licensee is compliant with medical recordkeeping requirements. Licensee is responsible for any costs associated with the medical record collection and inspection.

#### *Removal of Stayed Suspension*

2. Licensee may petition for removal of the stayed suspension at any regularly scheduled Board meeting following 12 months from the date of this Stipulation and Order. Licensee's stayed suspension may be removed, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof shall be upon Licensee to demonstrate by a preponderance of the evidence that Licensee is capable of conducting himself in a fit and competent manner in the practice of veterinary medicine. Before petitioning for removal of the stayed suspension, Licensee may be required to meet with the Committee to review his petition and any evidence in support of the petition. The Board may, at any regularly scheduled meeting following Licensee's petition for removal of the stayed suspension, remove the stayed suspension, remove the stayed suspension with limitations placed upon the scope of Licensee's practice and/or conditional upon further reports to the Board, or continue the stayed suspension of Licensee's license based upon Licensee's failure to meet the burden of proof.

#### *Administrative Penalty*

3. The Board imposes an **ADMINISTRATIVE PENALTY** in the amount of \$2,500. The administrative penalty shall be paid by cashier's check or money order made payable to the Minnesota Board of Veterinary Medicine and shall be delivered personally or by certified mail to the Minnesota Board of Veterinary Medicine, c/o Dr. John King, Executive Director, 2829 University Avenue S.E., Suite 540, Minneapolis, Minnesota 55414, within 60 days from the date of this Stipulation and Order.

## VI.

### CONSEQUENCES OF A VIOLATION

#### *Noncompliance With Requirements for Stayed Suspension*

1. If the Committee has probable cause to believe Licensee has failed to comply with or has violated any of the requirements for staying the suspension as outlined in paragraph V.1 above, the Committee may remove the stayed suspension pursuant to the procedures outlined below:

a. The removal of the stayed suspension shall take effect upon service of an Order of Removal of Stayed Suspension ("Order of Removal"). Licensee agrees that the Committee is authorized to issue an Order of Removal, which shall remain in effect and shall have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in paragraph VI.2 below or until the complaint is dismissed and the order is rescinded by the Committee. The Order of Removal shall confirm the Committee has probable cause to believe Licensee has failed to comply with or has violated one or more of the requirements for staying the suspension of Licensee's license. Licensee further agrees an Order of Removal issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act. Licensee waives any right to a hearing before removal of the stayed suspension.

b. The Committee shall schedule the hearing pursuant to paragraph VI.2 below to be held within 60 days of service of the Order of Removal.

#### *Noncompliance With Stipulation and Order*

2. If Licensee fails to comply with or violates this Stipulation and Order, the Committee may, in its discretion, seek additional discipline either by initiating a contested case



proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least 20 days before the hearing, the Committee shall mail Licensee a notice of the violation(s) alleged by the Committee. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Committee, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Committee and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Committee and Licensee may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Order. Unless stated otherwise in this Stipulation and Order, the Committee shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation prior to the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's

authority to impose discipline for the violation. A decision by the Committee not to seek discipline when it first learns of a violation will not waive the Committee's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's license is suspended or the suspension is stayed.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional requirements for the stayed suspension, removal of the stayed suspension, an additional period of suspension, or revocation of Licensee's license.

f. Nothing herein shall limit the Committee's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 156.126 based on a violation of this Stipulation and Order or based on conduct of Licensee not specifically referred to herein.

## **VII.**

### **ADDITIONAL INFORMATION**

1. Licensee knowingly and voluntarily waives a contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

2. Licensee knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Order, which may otherwise be available to Licensee.

3. This Stipulation and Order, the files, records and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

4. Licensee shall be responsible for all costs incurred as a result of compliance with this Stipulation and Order.

5. Licensee has read, understands, and agrees to this Stipulation and Order and has voluntarily signed the Stipulation and Order. Licensee is aware that this Stipulation and Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Order will take effect and the Order as modified will be issued. If the changes are unacceptable to Licensee or if the Board rejects the Stipulation and Order, it will be of no effect except as specified in paragraph 6 below.

6. Licensee agrees that if the Board rejects this Stipulation and Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Order or of any records relating to it.

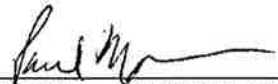
7. This Stipulation and Order shall not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or omission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

## **VIII.**

### **DATA PRACTICES NOTICES**

1. This Stipulation and Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 4.

2. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

  
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PAUL P. MASHEIMER, D.V.M.  
Licensee

Dated: 3/9/, 2012

### ORDER

Upon consideration of the Stipulation and all the files, records and proceedings herein, the terms of the Stipulation are approved and adopted, and the recommended remedy set forth in the Stipulation is hereby issued as an Order of this Board effective this 19 day of March, 2012.

MINNESOTA BOARD  
OF VETERINARY MEDICINE

  
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JOHN KING, D.V.M.  
Executive Director

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